

OFFICIAL COPY

Fresno, California

July 30, 2002

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chambers, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Brad Castillo	Acting Council President
	Jerry Duncan	Councilmember
	Sal Quintero	Councilmember
	Dan Ronquillo	Councilmember
	Henry Perea	Council President

Dan Hobbs, City Manager  
Dan Fitzpatrick, Agency Executive Director  
Andy Souza, Assistant City Manager  
Hilda Cantu Montoy, City Attorney  
Becky Klisch, City Clerk  
Yolanda Salazar, Assistant City Clerk

Senior Pastor Jeffrey Frymire, First Church of God, gave the invocation, and Mr. Kenneth White led the Pledge of Allegiance to the Flag.

PROCLAMATION OF KIM MECUM DAY - COUNCILMEMBER BOYAJIAN

PROCLAMATION OF NEIGHBORS IN HEALTH DAY - COUNCILMEMBER QUINTERO

The above proclamations were read and presented.

PRESENTATION OF P.R.I.D.E. TEAM CERTIFICATES FOR THE SUMMER QUARTER (RECEPTION IMMEDIATELY FOLLOWING)

Certificates were presented to Gayle Bridges, Airports; Russell Sunderland, Convention Center; Donald Brooks, Marks Chretien, Wade Kammer, Mel Stevenson and Bud Tickle, Department of Public Utilities; Peter Medrano and Shirley Neeley, Fresno Area Express (FAX); Adelina Acosta and Barbara Bixman, Finance Department; Byron Beagels and Joseph Darrow, Fire Department; Jessie Morrison and Steven Pullman, Housing, Economic & Community Development Department; Dianne Briggs, Information Services Department; Juanita Morales, Personnel Services Department; Shelby Chamberlain and Cullen Mettlach, Planning & Development Department; Joyce Dunkle, Mark Ferguson, Bruce Mitchell and Kimberly Trejo, Police Department; and Mike Holly and Ralph Rabbon, Public Works Department.

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**RECESS - 9:02 A.M. - 9:17 A.M.**

## JOINT MEETING WITH THE REDEVELOPMENT AGENCY

The City Council recessed at 9:17 a.m. and convened in joint session with the Redevelopment Agency.

### APPROVE AGENCY MINUTES OF JULY 23, 2002

On motion of Councilmember Calhoun, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the Agency minutes of July 23, 2002, approved as submitted.

### JOINT CLOSED SESSION:

(“A”) CONFERENCE WITH PROPERTY NEGOTIATORS:

PROPERTY: THREE PARCELS OF LAND (ONE IMMEDIATELY EAST OF AND ADJACENT TO THE BNSF RAILROAD RIGHT-OF-WAY BETWEEN KERN AND MONO STREETS, AND TWO IMMEDIATELY WEST OF AND ADJACENT TO THE BNSF RAILROAD RIGHT-OF-WAY BETWEEN TULARE AND INYO STREETS, INCLUDING THE OLD SANTA FE DEPOT)

CITY NEGOTIATORS: ROBB WOOD, ROBB ENGLISH, MARK WILLIAMSON, JERRY HAYNES AND JAMES OWENS

NEGOTIATING PARTIES: BURLINGTON NORTHERN SANTA FE RAILROAD (BNSF)

Laid over to 2:00 p.m.

(“C”) DISCUSSION AND DIRECTION REGARDING REQUEST FOR PLAN DESIGN FOR THE AREA BOUND BY “R” STREET, “P” STREET, VENTURA, AND TULARE STREET TO MAXIMIZE THE OFFICE, COMMERCIAL AND RESIDENTIAL USE IN THIS AREA - COUNCILMEMBER RONQUILLO

1. REPORT REGARDING A FULL UPDATE ON THE STATUS OF THE TRAIN STATION AND ACQUISITION OF PROPERTY EAST OF THE RAILROAD

Laid over to 2:00 p.m.

(“B”) JOINT HEARING TO CONSIDER ACTIONS RELATING TO APPROVAL AND ADOPTION OF THE PROPOSED 2002 AMENDMENT TO THE ROEDING BUSINESS PARK REDEVELOPMENT PLAN

1. **JOINT RESOLUTION** - AGENCY APPROVAL AND ADOPTION OF THE SUPPLEMENT TO THE REPORT TO THE CITY COUNCIL AND COUNCIL ACKNOWLEDGING RECEIPT (*JOINT ACTION*)

2. \* **BILL** - PROPOSED 2002 AMENDMENT OF THE ROEDING BUSINESS PARK REDEVELOPMENT PLAN TO EFFECTIVELY ADD EMINENT DOMAIN TO THE PLAN AND SET A PERIOD WITHIN WHICH EXERCISABLE; REMOVING RESTRICTIONS ON THE USE OF ASSESSMENT DISTRICTS; AND DESIGNATING THE AUTHORITY FOR MINOR VARIATIONS TO THE PLAN (*COUNCIL ACTION*)

Chair Duncan announced the time had arrived to consider the issue and opened the hearing; noted written objections had been received so no action could be taken this date by law; and advised the public hearing would be held, testimony taken, the hearing would be closed, and action would be postponed until August 20<sup>th</sup> so the written objections could be addressed by staff. President Perea recused himself from the proceedings and left the meeting at 9:20 a.m.

Director Fitzpatrick reviewed the issue as contained in the staff report as submitted, recommended the hearing be held and the matter referred back to staff for action on August 20<sup>th</sup>, and advised a corrected Attachment "A" had been submitted. City Attorney Montoy advised additional letters of objection had been received this date and entered them into the record.

Speaking in opposition to adding eminent domain to the plan and/or to the issue were: Bob Lango, 1625 W. Neilsen; William Brewer, 170 S. Hughes; Keith Killion, 208 S. Hughes; Rodney Meseke, 322 E. Belmont **(2 - 0)**; Bruno Dietl, 1010 W. Whitesbridge, Valley Engineers; M. K. Wight, 307 S. Hughes; Dick Doyle, Western Oilfield and Supply Co., d.b.a. Rain for Rent, 3404 State Rd., Bakersfield; Lupe Avila, 148 S. Hughes; Shelley Ray, 188 S. Teilman; Bahman Behbahan, 188 S. Teilman; Brad Sparks, 2730 W. Whitesbridge; Barbara Hunt, 2475 S. Walnut; Charles Salazar, 817 S. Crystal; Richard Guerrero, 2640 W. Whitesbridge; Leroy Spears, 710 S. West; Marsha Simpson, 2881 E. Huntington Blvd #116; Ed Mason, 103 N. Thorne; Laurie Ramirez, Executive Director, Art Fresno; Toni Alvarado, 432 S. Hughes; Louise Martinez; Melvin Fitzhenry, 406 N. Franklin; a gentleman whose name was unintelligible, 1917 E. Vine; Frank Valenzuela, 411 S. Teilman; Sylvester Taylor, 1819 E. Kearney Boulevard; Jean Kessler, 761 W. Stuart; Ann Zamora, 2325 W. Neilsen **(3 - 0)**; and Dean Manning, 305 W. Napa.

Upon call, no one else wished to be heard and Chair Duncan closed public testimony.

Mr. Fitzpatrick responded briefly to questions presented by speakers relative to a golf course being proposed nearby, OPA's for interested businesses, and how renters would be impacted. Ms. Montoy reiterated no action would be taken this date and clarified eminent domain would only be added as a tool for some point in the future if approved on August 20<sup>th</sup> and that there was no action to acquire any property at this time.

Lengthy discussion ensued with Mr. Fitzpatrick and Ms. Montoy clarifying issues and/or responding to questions and/or comments of Councilmembers Quintero, Ronquillo and Castillo relative to the plan's effect on the North Avenue improvement project, properties covered under OPA's, if there was OPA material/information available to mail to property owners, all property in the area being industrially zoned, the process hereafter, number of eminent domains that have taken place, friendly eminent domains, importance of business parks, the community's unemployment issue, need for everyone affected to be informed and participate in the process, what has changed since the court's last ruling on eminent domain, what the specific amendments were, if the development director was being eliminated from the process, if Council and the Mayor's office could have oversight in the process, forced assessment districts, if any businesses were not subject to eminent domain, options for unwilling sellers, property acquisitions and who would be responsible for hazardous cleanup, relocation costs and what assurances could be given to property owners, what the 5-Year Roeding Plan would accomplish, eminent domain process and need for property owners to learn how it affects them personally, and residential eminent domain being a long way off.

Chair Duncan closed the public hearing and action was continued to August 20, 2002.

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The joint bodies recessed at 11:08 a.m. to 2:00 p.m., a brief recess followed, and the City Council reconvened in regular session at 11:18 a.m.

APPROVE CITY COUNCIL MINUTES OF JULY 23, 2002

On motion of Councilmember Duncan, seconded by Councilmember Quintero, duly carried, RESOLVED, the minutes of July 23, 2002, approved as submitted.

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**APPROVE AGENDA:**

**(5-E) DIRECT STAFF TO CONTACT COUNTY AND STATE OFFICIALS TO IMPLEMENT A CAR POOLING EDUCATION PROGRAM - COUNCILMEMBER DUNCAN**

Laid over to August 20, 2002.

**(5-F) RESOLUTION - SUPPORTING THE FUTURE PLANNING OBJECTIVES RELATING TO THE FRESNO METROPOLITAN FLOOD CONTROL DISTRICT - COUNCILMEMBER DUNCAN**

Laid over to August 20, 2002.

**(1-F) RESOLUTION - AUTHORIZING THE EXECUTION AND DELIVERY OF A MASTER EQUIPMENT LEASE PURCHASE AGREEMENT AND CERTAIN SEPARATE LEASE SCHEDULES WITH RESPECT TO THE ACQUISITION, PURCHASE, FINANCING AND LEASING OF EQUIPMENT FOR THE PUBLIC BENEFIT; AND AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS REQUIRED IN CONNECTION THEREWITH**

Removed from the agenda (to be rescheduled on August 20, 2002, per staff).

**(2:30 P.M. #1) COUNCIL RECONSIDERATION AND ACTION REGARDING A SPECIFIC LINE ITEM OF AAR RES. 2002-216 SUBMITTED BY MAYOR AUTRY ON JUNE 30, 2002**

A. ACTION #3-C: \$40,000 FROM CDBG FUNDING FOR IN-FILL HOUSING TO BE PROVIDED BY C.U.R.E. - PRESIDENT PEREA

City Clerk Klisch advised the item should read: "\$40,000 FROM SOCIAL SERVICE FUNDING..." instead of "CDBG" funding. So noted and corrected.

**(11:30 A.M.) CONTINUED HEARING ON REZONING APPLICATION NO. R-02-013, FILED BY LUKE YOUNGS, PROPERTY LOCATED ON THE SOUTH SIDE OF W. MINARETS AVENUE BETWEEN N. MAROA AND N. COLLEGE AVENUES IN THE PINEDALE COMMUNITY (LOCATED IN DISTRICT 6)**

City Clerk Klisch corrected the title to indicate the property was located in District 2, not 6. So noted and corrected.

**(5-G) RESOLUTION - IN SUPPORT OF ASSEMBLY BILL 1868 - THE NEIGHBORHOOD PROTECTION ACT OF 2002 - ACTING PRESIDENT CASTILLO**

Set for 2:30 p.m. #4 this date at the request of Acting President Castillo **(4 - 0)**.

On motion of Acting President Castillo, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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**ADOPT CONSENT CALENDAR:**

**(1-A)** APPROVE ACQUISITION OF STREET EASEMENTS FROM PROPERTY OWNED BY GERALD L. AND JEANETTE M. BISHOP AT 1368 W. MILLBRAE FOR \$7,864, AND FROM ISIDRO OJEDA AT 1426 W. MILLBRAE FOR \$7,435 FOR IMPROVEMENTS TO THE FRUIT AND HERNDON INTERSECTION, AND AUTHORIZE THE INTERIM DIRECTOR OF PUBLIC WORKS TO EXECUTE ALL DOCUMENTS NECESSARY TO COMPLETE THE PURCHASES THROUGH ESCROW

**(1-B)** AUTHORIZE AND DIRECT THE INTERIM PUBLIC WORKS DIRECTOR TO EXECUTE A DEED OF EASEMENT AND ENCROACHMENT PERMIT IN FAVOR OF THE FRESNO IRRIGATION DISTRICT (FID) OVER A PORTION OF THE SUGAR PINE TRAIL (TO PROVIDE FOR THE RELOCATION OF FID'S CANAL)

**(1-C)** RESCINDING RES. 98-187, WHICH ORDERED THE VACATION OF A PORTION OF BARTON AVENUE BETWEEN DAKOTA AVENUE TO A POINT APPROXIMATELY 430 FEET SOUTH OF HAMPTON WAY, AND PONTIAC AVENUE BETWEEN BARTON AVENUE AND FREEWAY 168 (WALL TO WALL INDOOR SPORTS/THE ZONE SPORTSPLEX)

**(1-D) RESOLUTION NO. 2002-250A** - INTENT TO ANNEX FINAL TRACT NOS. 5007, 5011 AND 5081 TO CITY OF FRESNO COMMUNITY FACILITIES DISTRICT NO. 2, ANNEXATION NO. 38, AND SETTING THE PUBLIC HEARING FOR SEPTEMBER 17, 2002, AT 10:00 A.M.

**(1-E)** DECLARING THIRTY-SEVEN (37) OLD WATER WELL MOTORS SURPLUS TO THE CITY'S NEEDS, IN CONFORMANCE WITH FMC SECTION 3-202, AND ACCEPTING THE OFFER OF \$1,348.43 FROM SEMCO, INC., OF LAMAR, CO, FOR THE PURCHASE AND REMOVAL OF THE WATER WELL MOTORS

**(1-G)** APPROVE THE SUBSTITUTION OF SHELCO INDUSTRIES FOR BASI AS THE METAL LOCKER SUBCONTRACTOR FOR THE CONTRACT WITH CONSTRUCTION DESIGN UNLIMITED FOR THE TRAFFIC OPERATIONS BUILDING PROJECT

**(1-H)** APPROVE AMENDMENT NO. 3 TO THE PROFESSIONAL SERVICES AGREEMENT WITH REINARD W. BRANDLEY FOR DESIGN OF THE AIRSIDE/LANDSIDE IMPROVEMENTS PROJECT FOR THE FRESNO YOSEMITE INTERNATIONAL AIRPORT UNDER FAA AIP GRANT NOS. 22, 24, 25, 28, 29, 31, 32, 34 AND 35

On motion of Acting President Castillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

**(1-I) CONSIDER THE PROPOSED COPPER-MILLBROOK NO. 2 REORGANIZATION CONSISTING OF 160 ACRES PROPOSED FOR DETACHMENT FROM THE FRESNO COUNTY FIRE PROTECTION DISTRICT AND ANNEXATION OF THE SAME TERRITORY TO THE CITY OF FRESNO**

**1. ADOPTING THE FINDING OF THE MITIGATED NEGATIVE DECLARATION DATED OCTOBER 16, 2001, FOR ENVIRONMENTAL ASSESSMENT NO. A-01-20, R-01-31, TT-5000 AND RR-5029 THAT THE REORGANIZATION WILL NOT HAVE A SIGNIFICANT ADVERSE EFFECT UPON THE ENVIRONMENT**

**2. RESOLUTION NO. 2002-251 - APPLYING TO LAFCO IN THE MATTER OF THE PROPOSED COPPER-MILLBROOK NO. 2 REORGANIZATION**

On motion of Acting President Castillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled **Item 1-I** hereby adopted, by the following vote:

Ayes	:	Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	Boyajian
Absent	:	None

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**(9:40 A.M.) RESOLUTION NO. 2002-252 - APPROVING AMENDMENTS TO THE MASTER FEE SCHEDULE TO INCREASE WATER AND SOLID WASTE RATES AND ADDING A LOW-INCOME SENIOR CITIZEN DISCOUNT FOR RESIDENTIAL SOLID WASTE COLLECTION - COUNCILMEMBER RONQUILLO**

Councilmember Ronquillo stated this had been a contentious issue and he felt the process undertaken had not been the best and explained; advised he went through due diligence and spoke to specifics of the budget, accomplishments and positive things occurring, Fresno's rates, the proposed rate increase, and the senior discount; stated the city was on a solid foundation and it was a disservice to the citizens that they were told everything would unravel if the rates were not increased; and spoke in support of the issue stating the modest increase to provide the same service was very appropriate.

Controller Quinto stated the resolution prepared at the request of Councilmember Ronquillo described the basis for the low-income senior citizen rate discount for residential solid waste collection; advised her staff reviewed the master fee schedule changes to insure the intent of the senior discount program was fully implemented; and advised the City Clerk distributed a technical correction relative to rates for all services available to seniors in solid waste collection.

Speaking to the issue were: Matilda Rangel, 3701 E. McKenzie, opposed to the increase; Barbara Hunt, 2475 S. Walnut, opposed; and Marsha Simpson, 2881 E. Huntington #116, support.

Councilmembers Boyajian, Duncan and Ronquillo spoke in support and commented on the issue, and Acting President Castillo and President Perea spoke in opposition and expressed their concerns at length stating working families would be penalized, Council was taking the easy way out and did not look for efficiencies, the impact would be felt city-wide, there was no public debate on this important issue or on the department of public utilities which was in trouble, and that the issue got personal, with City Manager Hobbs and Ms. Quinto responding to questions and comments **(5 - 0)**. Councilmember Boyajian stated Council needed to be involved in the budget process at the front end stating facts were very subjective and were sometimes given to Council by staff the way they wanted to be given.

On motion of Councilmember Ronquillo, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Resolution No. 2002-252 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Ronquillo
Noes	:	Castillo, Quintero, Perea
Absent	:	None

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**(9:45 A.M.) DISCUSSION AND DIRECTION TO STAFF REGARDING CREATION OF A JOINT POWERS AUTHORITY AND/OR SPECIAL DISTRICT REGARDING PUBLIC UTILITIES - PRESIDENT PEREA**

President Perea stated this was an outgrowth of budget discussions; advised research and analysis would be required of staff; stated the department could still remain quasi-governmental and employees could still remain City employees but running under a different operation; noted this would create the opportunity for the department to shop and begin the process of behaving on a regional basis in terms of creating efficiencies and explained; and stated he believed this warranted further discussion, an analysis, and review by staff, and made a motion directing staff to review and report back in 30 days, which motion was seconded and later amended and acted upon.

Barbara Hunt, 2475 S. Walnut, spoke in opposition.

City Manager Hobbs stated he supported shopping for services, and relative to the control issue stated if the City went regional the loss of control and rates would be detrimental and explained. Councilmember Calhoun stated he agreed with Mr. Hobbs; expressed concern with the issue being rushed and commented on issues facing Clovis and Madera stating he did not want to be part of that; stated he also did not want to give up his authority or responsibility to his constituents and he felt this was poorly thought out; and stressed regional cooperation was happening and felt the director would continue to bring to Council ideas to further make the city work. Councilmember Ronquillo commented on the benefits of partnering and stated he was in favor of any process that saved the taxpayer money. Councilmember Duncan stated he wanted more feedback and discussion because this sounded like a big task; relative to shopping around stated any department or the city manager could do that with four votes of the Council; and stated he was concerned about establishing another governmental agency to manage something the City was able to do. Councilmember Boyajian spoke to the lack of information and requested a workshop be held; Acting President Castillo, Councilmember Ronquillo and President Perea spoke in support of moving the issue forward to get information from staff; and President Perea amended his motion.

On motion of President Perea, seconded by Acting President Castillo, duly carried, RESOLVED, staff and the City Attorney directed to conduct a legal analysis on the creation of a Joint Powers Authority and/or special district regarding public utilities, and a workshop on the issue to be scheduled within 30 days, by the following vote:

Ayes	:	Boyajian, Castillo, Quintero, Ronquillo, Perea
Noes	:	Calhoun, Duncan
Absent	:	None

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**(10:00 A.M.) TEFRA HEARING AS REQUIRED BY SECTION 147(f) OF THE INTERNAL REVENUE CODE OF 1986 TO HEAR AND CONSIDER INFORMATION CONCERNING THE PROPOSED ISSUANCE OF BONDS BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY TO FINANCE THE CONSTRUCTION OF A MULTI-FAMILY RESIDENTIAL RENTAL PROJECT - CANYON SPRINGS APARTMENTS**

**1. RESOLUTION NO. 2002-253 - APPROVING THE ISSUANCE OF MULTIFAMILY HOUSING REVENUE BONDS BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY TO FINANCE THE CONSTRUCTION OF THE CANYON SPRINGS APARTMENTS PROJECT**

President Perea announced the time had arrived to consider the issue and opened the hearing. Councilmember Calhoun gave a brief overview of the project and spoke in support.

Dirk Poeschel, representing the applicant, advised the project would pay all fees and taxes.

Upon call, no one else wished to be heard and President Perea closed the hearing.

On motion of Councilmember Calhoun, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled Resolution No. 2002-253 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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**(10:15 A.M.) HEARING ON PLAN AMENDMENT NO. A-02-008, REZONING APPLICATION NO. R-02-010, AND ENVIRONMENTAL FINDINGS, FILED BY RON MAZZEO AND ASSOCIATES ON BEHALF OF R. L. ADOLPH ASSOCIATES, PROPERTY LOCATED AT 2101 E. BEECHWOOD AVENUE (LOCATED IN DISTRICT 6)**

**1. RESOLUTION NO. 2002-254 - AMENDING THE WOODWARD PARK COMMUNITY PLAN**

**2. BILL NO. B-40 - ORDINANCE NO. 2002-41 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM C-1/UGM/cz TO C-P/UGM**

President Perea announced the time had arrived to consider the issue and opened the hearing. Councilmember Duncan spoke in support of the project and made a motion to approve staff's recommendation.



Barbara Hunt, 2475 S. Walnut, spoke to the issue.

Upon call, no one else wished to be heard and President Perea closed the hearing.

On motion of Councilmember Duncan, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the Negative Declaration for Environmental Assessment No. A-02-008, R-02-010, C-02-101, dated June 4, 2002, hereby approved; the above entitled Resolution No. 2002-254 hereby adopted; and the above entitled Bill No. B-40 adopted as Ordinance No. 2002-41, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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**(10:30 A.M.)** CONTINUED HEARING ON REZONING APPLICATION NO. R-02-009 AND ENVIRONMENTAL FINDINGS, FILED BY WERNER GRAF, PROPERTY LOCATED AT 7150 - 7190 N. MAPLE AVENUE (LOCATED IN DISTRICT 6)

**1. BILL NO. B-41 - ORDINANCE NO. 2002-42** - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-1/UGM/cz WITH CONDITIONS (WHICH LIMITS THE DENSITY ON THE SITE TO 12 UNITS PER ACRE MAXIMUM) TO R-2/UGM

President Perea announced the time had arrived to consider the issue and opened the hearing. Planner Dilbeck gave a brief overview of the issue as contained in the staff report as submitted and recommended approval.

Dirk Poeschel, representing the applicant, stated the project was consistent with zoning and the general plan and requested Council's support.

Upon call, no one else wished to be heard and President Perea closed the hearing.

Councilmember Duncan noted letters of opposition were included in Council's packets and advised issues had been resolved, and spoke in support of the project stating it would improve the neighborhood.

On motion of Councilmember Duncan, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the Negative Declaration for Environmental Assessment No. R-02-009, C-02-055, dated May 24, 2002, hereby approved, and the above entitled Bill No. B-41 adopted as Ordinance No. 2002-42, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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**(10:45 A.M.)** HEARING RELATING TO FRESNO METROPOLITAN FLOOD CONTROL DISTRICT (FMFCD)

**1. RESOLUTION NO. 2002-255** - AMENDING THE STORM DRAINAGE AND FLOOD CONTROL MASTER PLAN AND AMENDING THE DRAINAGE FEES AND COSTS FOR EACH LOCAL DRAINAGE AREA FOR ALL DEVELOPMENTS WITHIN THE JOINT AREA OF THE CITY OF FRESNO AND THE FMFCD

**2. RESOLUTION NO. 2002-256 - 394<sup>TH</sup> AMENDMENT TO MFS RES. 80-420 MODIFYING DRAINAGE FEES FOR THE FMFCD**

President Perea announced the time had arrived to consider the issue and opened the hearing. Assistant Public Works Director Williamson and Alan Hoffman, FMFCD, gave a brief overview of the issue as contained in the staff report as submitted and recommended adoption of the resolutions.

Barbara Hunt, 2475 S. Walnut, spoke to the issue.

Upon call, no one else wished to be heard and President Perea closed the hearing.

Mr. Hoffman and City Attorney Montoy responded to questions/comments of Councilmembers Ronquillo and Boyajian relative to the 180 west project, who determined where ponding basins would be located, need to consider economic benefits when locating ponding basins, need to review the Master Plan, fees being at issue this date, appreciation for the City/FMFCD partnership, and what the rates were being increased to **(6 - 0)**.

On motion of Councilmember Boyajian, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Resolution Nos. 2002-255 and 2002-256 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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**(11:30 A.M.) CONTINUED HEARING ON REZONING APPLICATION NO. R-02-013, FILED BY LUKE YOUNGS, PROPERTY LOCATED ON THE SOUTH SIDE OF W. MINARETS AVENUE BETWEEN N. MAROA AND N. COLLEGE AVENUES IN THE PINEDALE COMMUNITY (LOCATED IN DISTRICT 2)**  
**1. BILL NO. B-42 - ORDINANCE NO. 2002-43 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-2-A TO R-1**

President Perea announced the time had arrived to consider the issue and opened the hearing.

Upon call, no one wished to be heard and President Perea closed the hearing.

On motion of Councilmember Calhoun, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the Categorical Exemption for Environmental Assessment No. R-02-013, dated May 31, 2002, hereby approved; and the above entitled Bill No. B-42 adopted as Ordinance No. 2002-43, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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**(11:45 A.M.) CONSIDER ACTION AND/OR DIRECTION REGARDING A STAND ALONE TAX SHARING AGREEMENT BETWEEN THE CITY OF FRESNO AND FRESNO COUNTY REGARDING THE COPPER RIVER RANCH PROJECT**

**A. DISCUSSION AND DIRECTION REGARDING THE TERMS OF A STAND ALONE TAX SHARING AGREEMENT**

**B. APPROVE INTERIM STAND ALONE TAX SHARING AGREEMENT BETWEEN THE CITY AND COUNTY FOR ANNEXATION OF CERTAIN TERRITORY KNOWN AS “COPPER RIVER RANCH”**

Assistant City Manager Souza advised outside counsel recommended changes to the agreement and that staff was in agreement, and upon request clarified the differences between the original and amended interim agreement. Councilmember Quintero commented briefly on the background of the issue and made a motion to approve Item B as outlined above.

Brief discussion ensued with Councilmember Duncan speaking in support, and Mr. Souza and Farid Assemi responding to questions and/or comments of Councilmember Ronquillo, Acting President Castillo and President Perea relative to whether this document would oversee the tax sharing, drainage, mistakes made in subdivisions, Fresno County’s action, and if the developer was in support of the motion.

On motion of Councilmember Quintero, seconded by Councilmember Ronquillo, duly carried, **RESOLVED**, the amended Interim Stand Alone Tax Sharing Agreement between the City of Fresno and Fresno County for annexation of certain territory known as “Copper River Ranch” hereby approved, by the following vote:

Ayes	:	Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	Boyajian
Absent	:	None

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**LUNCH RECESS - 1:08 P.M. - 2:16 P.M.**

**(2:00 P.M. #1) CONTESTED CONSENT ITEMS:**

**(1-J) RESOLUTION NO. 2002-257 - APPROVING THE ALIGNMENT AND WIDTH OF PROPOSED PUBLIC STREETS FOR AN EIGHT-PARCEL INDUSTRIAL DEVELOPMENT PROPOSED ON THE NORTHWEST CORNER OF N. GOLDEN STATE BOULEVARD AND W. HERNDON AVENUE**

Planner Lewis, Transportation Manager Madewell, applicant representative Ray Salazar, and Planning and Development Director Yovino responded to comments, questions and concerns of Councilmember Calhoun relative to the area being a future major gateway to Fresno, insuring the proposed development is appropriate, the parcel issue approved by Council a few weeks ago and if this was the same applicant, the process undertaken, if the matter went through the Bullard Implementation Committee and West Area Committee, when the street would be constructed, if staff supported the request, what specific action was being requested this date, impact to Golden State Boulevard, concern that a short-sighted decision was not being made, the hearing process, if traffic signals would be required/constructed, specifics of the project and site, if the Herndon/Golden State signal would remain, if the parcels would be developed one at a time or all at once, how the City can control what will be developed there, and staff insuring the development/design/character of the area will be consistent.

Councilmember Calhoun stated he wanted to see development take place in the area and he would be watching the corner “like a hawk”, stressed he did not want to see several fast-food restaurants constructed there, and stated this was a chance to do the right thing for a major gateway in the community and he would trust staff to see that proper development occurred.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the finding of a Mitigated Negative Declaration prepared for Environmental Assessment No. TPM-2000-10m dated June 17, 2002, hereby approved, and the above entitled Resolution No. 2002-257 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

President Perea stated he wanted representation on the Bullard Implementation Committee since part of his district was now in the area and he would be talking to staff.

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**(2:00 P.M. #2) CLOSED SESSION:**

**(A) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - CASE NAMES:**

1. FRESNO SUPREME V. CITY OF FRESNO AND RELATED CROSS ACTIONS RIVERVIEW ESTATES V. CITY OF FRESNO
2. BLACKSTONE VENTURE I, BLACKSTONE VENTURE II, RIVER PARK PROPERTIES, RIVER PARK PROPERTIES II, RIVER PARK PROPERTIES III, RIVER PARK PROPERTIES IV, PARK 41, AND BOMBAY CORPORATION V. CITY OF FRESNO
3. MICHAEL J. RHODES, ET AL. V. CITY OF FRESNO, ET AL.
4. OLD HAMMER FIELD/FRESNO AIR TERMINAL (“OHF/FAT”) ENVIRONMENTAL SITE; AND BAKMAN WATER COMPANY V. CITY OF FRESNO, ET AL.
5. CITY OF FRESNO V. COUNTY OF FRESNO, LAFCO AND CITY OF CLOVIS
6. CITY OF FRESNO V. CITY OF CLOVIS (PAYNTER)

**(C) CONFERENCE WITH LEGAL COUNSEL - FRIEND-OF-THE-COURT PARTICIPATION - CASE NAME:**  
VALLEY OUTDOOR V. COUNTY OF RIVERSIDE - AMICUS BRIEF

**(D) CONFERENCE WITH LEGAL COUNSEL -DECIDING WHETHER TO INITIATE LITIGATION - CASE NAME:** CITY OF FRESNO V. RON PATTERSON, REDI-CORP OF CENTRAL CALIFORNIA

**(8:30 a.m. “A”) JOINT COUNCIL/AGENCY CLOSED SESSION - CONFERENCE WITH REAL PROPERTY NEGOTIATORS: (*CONTINUED FROM EARLIER*)**

**PROPERTY:** THREE PARCELS OF LAND (ONE IMMEDIATELY EAST OF AND ADJACENT TO THE BURLINGTON NORTHERN SANTA FE (BNSF) RAILROAD RIGHT-OF-WAY BETWEEN KERN AND MONO STREETS, AND TWO IMMEDIATELY WEST OF AND ADJACENT TO THE BNSF RAILROAD RIGHT-OF-WAY BETWEEN TULARE AND INYO STREETS, INCLUDING THE OLD SANTA FE DEPOT)

CITY NEGOTIATORS: ROBB WOOD, ROBB ENGLISH, MARK WILLIAMSON, JERRY HAYNES AND JAMES OWENS

NEGOTIATING PARTIES: BURLINGTON NORTHERN SANTA FE RAILROAD (BNSF)

The City Council met in regular and joint closed session with the Redevelopment Agency in Room 2125 at the hour of 2:38 p.m. to consider the above issues.

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CONTINUED JOINT MEETING WITH THE REDEVELOPMENT AGENCY:

The City Council and Redevelopment Agency reconvened in open joint session at 4:48 p.m.

**(8:30 a.m. "C")** DISCUSSION AND DIRECTION REGARDING REQUEST FOR PLAN DESIGN FOR AREA BOUND BY "R" STREET, "P" STREET, VENTURA, AND TULARE STREET TO MAXIMIZE THE OFFICE, COMMERCIAL AND RESIDENTIAL USE IN THIS AREA - COUNCILMEMBER RONQUILLO

1. REPORT REGARDING A FULL UPDATE ON THE STATUS OF THE TRAIN STATION AND THE STATUS OF THE ACQUISITION OF PROPERTY EAST OF THE RAILROAD

Reviewed by Councilmember Ronquillo who stated there was now a clear view for the area and explained, and commented on future and ongoing developments in the area and on the need to get zoning in order for a plan design. Director Fitzpatrick gave a brief overview of the issue and ongoing work, and recommended staff be given direction relative to the design and refer the matter to City staff to move forward on land acquisition and parking. Councilmember Ronquillo made a motion to direct City and Agency staff to develop a specific plan design for the area, which motion was seconded and acted upon after discussion.

Barbara Hunt, 2475 S. Walnut, spoke to the issue.

Transportation Manager Madewell encouraged Council to move forward with the process and advised he had downtown employees on a waiting list for parking. Councilmember Calhoun spoke in support stating this would not be possible without the private sector, and commended Councilmember Ronquillo for all his efforts. Mr. Madewell and Mr. Fitzpatrick responded to questions and comments of Councilmembers Boyajian, Duncan and Ronquillo relative to what the monthly parking rates would be, status of State employees and their parking needs, parking needs for the Women's Health Center and the State Center, parking lot financing (**7 - 0**), the new parking rates helping with parking needs as intended, and obtaining the input of area stakeholders.

On motion of Councilmember Ronquillo, seconded by Councilmember Calhoun, duly carried, RESOLVED, City and Agency staff directed to prepare a specific plan design for the area bound by "R" Street, "P" Street, Ventura, and Tulare Streets to maximize the office, commercial and residential use in this area, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Quintero, Ronquillo, Duncan
Noes	:	Perea
Absent	:	None

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The joint bodies adjourned their meeting at 5:06 p.m. and the City Council reconvened in regular session.

**(2:30 P.M. #1) COUNCIL RECONSIDERATION AND ACTION REGARDING A SPECIFIC LINE ITEM OF AAR RESOLUTION NO. 2002-216 SUBMITTED BY MAYOR AUTRY ON JUNE 30, 2002**

**A. ACTION #3-C: \$40,000 FROM SOCIAL SERVICE FUNDING FOR IN-FILL HOUSING TO BE PROVIDED BY C.U.R.E. - PRESIDENT PEREA**

**(2:30 P.M. #2) CONSIDER COUNCIL OVERRIDE OF LINE ITEM VETO REGARDING AAR NO. 2002-216 SUBMITTED BY MAYOR AUTRY ON JUNE 30, 2002**

**A. ACTION #3-C: \$40,000 FROM CDBG FUNDING FOR IN-FILL HOUSING TO BE PROVIDED BY C.U.R.E. - PRESIDENT PEREA**

Upon question City Attorney Montoy advised the above items were related and that 2:30 p.m.#1 was inadvertently left off last week's agenda and was scheduled with #2 which was laid over from last week. City Manager Hobbs further clarified the Mayor was requesting funding from social service funds in #1 for more flexibility.

Speaking to the issue were: Barbara Hunt, 2475 S. Walnut; and Paul McClain, C.U.R.E., who requested further clarification on 2:30 p.m. #1 (with President Perea responding), and requested Council support 2:30 #1.

Councilmember Duncan stated there were a number of housing programs where C.U.R.E. might better fit into and discussion ensued on funding options, with Controller Quinto and Ms. Montoy responding to questions and clarifying issues. Councilmember Calhoun made a motion to approve 2:30 #1 stating if #2 was approved another \$40,000 would be added to budget gap. Councilmember Duncan seconded the motion for discussion purposes. Ms. Quinto advised CDBG funds were available at this time if 2:30 #2 was approved and that it would not further the budget deficit situation. Upon question of Councilmember Duncan, Neighborhood Services Division Director Hussman stated C.U.R.E. could be funded from an existing housing program if both #1 and #2 failed, whereupon Councilmember Duncan urged Council to deny both options.

A motion of Councilmember Calhoun, seconded by Councilmember Duncan, to appropriate \$40,000 from social service funding for in-fill housing to be provided by C.U.R.E. failed, by the following vote:

Ayes	:	Calhoun
Noes	:	Boyajian, Castillo, Duncan, Quintero, Ronquillo, Perea
Absent	:	None

**(2:30 P.M. #2) CONSIDER COUNCIL OVERRIDE OF LINE ITEM VETOES REGARDING AAR NO. 2002-216 SUBMITTED BY MAYOR AUTRY ON JUNE 30, 2002**

**A. ACTION #3-C: \$40,000 FROM CDBG FUNDING FOR IN-FILL HOUSING TO BE PROVIDED BY C.U.R.E. - PRESIDENT PEREA**

On motion of Councilmember Ronquillo, seconded by President Perea, duly carried, RESOLVED, the Mayoral veto of \$40,000 from CDBG funding for in-fill housing to be provided by C.U.R.E. hereby overridden, by the following vote:

Ayes	:	Boyajian, Castillo, Quintero, Ronquillo, Perea
Noes	:	Calhoun, Duncan
Absent	:	None

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**(2:30 P.M. #3) REQUEST STAFF TO RETURN WITH ENABLING DOCUMENT(S) NECESSARY TO TRANSFER \$161,400 FROM THE GENERAL FUND CONTINGENCY TO THE INFORMATION SERVICES DEPARTMENT (ISD) TO BE USED FOR THE CUSTOMER SERVICES SECTION - COUNCILMEMBER QUINTERO**

Councilmember Quintero questioned the status of ISD's reorganization as directed by Council, the monies set aside, and the reorganization implementation date, with Assistant City Manager Souza and City Manager Hobbs responding and advising the \$161,400 currently did not exist in ISD and explained, the budget as presented to Council did not approve the conversion of the positions to full-time, there was a contingency amount in the budget to deal with reorganization initiatives, and that this issue was not here at staff's initiative. Upon question of Councilmember Quintero, City Attorney Montoy advised since the funding did not get included in the budget after Council direction staff would now have to be directed to return with enabling documents for a budget amendment. Mr. Hobbs stated the reorganization was carried out and the cost for some initiatives was noted in the budget under contingency and Council decided not to fund that.

Councilmember Quintero made a motion to direct staff to return with enabling documents to amend the budget, which motion was seconded and acted upon after additional discussion on the amount needed and amount preferred (\$300,000 vs. \$161,400), with Mr. Hobbs responding. ISD Director Carlton clarified the \$161,400 would restore the funding for seven temporary employees. Upon question of Councilmember Duncan, staff stated the \$161,400 would be charged out and reflected in all departments' internal charges if approved.

On motion of Councilmember Quintero, seconded by Acting President Castillo, duly carried, RESOLVED, staff directed to return with enabling document(s) necessary to transfer \$161,400 from the general fund contingency to the Information Services Department (ISD) to be used for the customer services section, by the following vote:

Ayes	:	Calhoun, Castillo, Quintero, Ronquillo
Noes	:	Boyajian, Duncan, Perea
Absent	:	None

Mr. Souza clarified the \$161,400 would *not* be spread out as stated by staff but would come from the general fund reserve as specified in Councilmember Quintero's item/motion and explained, with Mr. Hobbs adding that was bad business practice. Councilmember Calhoun stated he only supported the motion because staff stated the amount would be charged out, whereupon the following action was taken:

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the above 2:30 p.m. #3 item approved for reconsideration, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

A motion of Councilmember Quintero, seconded by Acting President Castillo, to request staff to return with enabling document(s) necessary to transfer \$161,400 from the general fund contingency to the Information Services Department (ISD) to be used for the customer services section failed, by the following vote:

Ayes	:	Castillo, Quintero, Ronquillo
Noes	:	Boyajian, Calhoun, Duncan, Perea
Absent	:	None

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**(3:00 P.M.) CLARIFY PAST COUNCIL ACTION ON THE SOURCE OF MATCHING FUNDS FOR THE IMPROVEMENT PROJECT ON GOLDEN STATE, EAST AVENUE, AND JENSEN AVENUE ORIGINALLY ADOPTED BY COUNCIL ON JULY 31, 2001 - COUNCILMEMBER RONQUILLO**

Assistant City Attorney Hale stated the issue was development on Golden State and Jensen Avenue to be funded by the City with matching funds promised by the developer; advised his office just recently learned of issues and had been diligently reviewing the matter and documents; requested a little more time to work through the issues and resolve the developers request to be reimbursed from bond proceeds and the City's issue of matching funds for the street improvements; and responded to questions of Councilmember Ronquillo relative to whether the issues were: (1) the City taking control of the bonds and if that was appropriate, (2) the City freeing those bonds for disbursement, and (3) the argument of the developer participating with matching funds.

Dave Brodie, representing the property owners, stated the two issues were: (1) whether or not the developers owed money to the City on an issue that was unrelated to the Mello-Roos bonds, and (2) if money was owed, whether the Mello-Roos bond money could be used to fulfill that obligation; advised his objection was the continued non-reimbursement of the bond money which they were paying interest on; and requested Council delay discussion on whether the developers owed money for off-site public improvements and direct staff to process the request for reimbursement of the bond money per the acquisition agreement.

Councilmember Ronquillo questioned if Council could give direction as outlined by Mr. Brodie and vote this date, with City Attorney Montoy stating that was permissible but advised her concern was staff's review had not been completed on the two issues and recommended Council hold back on any action. Assistant City Manager Souza stated he agreed there were two issues but did not necessarily agree they were not related; clarified issues relative to the \$154,000 that was in dispute, staff's receipt of a letter from Foundry Park stating they would match the funds on the infrastructure project, the work being completed and the \$154,000 being paid, and an appropriation resolution being needed and a funding source determined. Further discussion ensued with Councilmember Ronquillo, Mr. Souza and Mr. Brodie commenting on the issues.

Councilmember Quintero directed the necessary budget documents be scheduled on August 20<sup>th</sup> at a time certain unless the matter is resolved administratively in the interim. Mr. Souza stated if the City obtained the funds inappropriately and had the authority administratively to resolve the issue staff would take every effort to remedy the problem immediately.



**(8 - 0)** Barbara Hunt, 2475 S. Walnut, spoke to the issue.

On motion of Councilmember Boyajian, seconded by Councilmember Ronquillo, duly carried, RESOLVED, staff directed to report back with a budget amendment resolution on August 20, 2002, at 11:00 a.m., by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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**(5-G) RESOLUTION NO. 2002-258 - SUPPORTING ASSEMBLY BILL 1868 - THE NEIGHBORHOOD PROTECTION ACT OF 2002 - ACTING PRESIDENT CASTILLO**

Reviewed by Acting President Castillo who stated the Bill dealt with the problem of negligent landlords and explained, and stated it was important that Fresno send their message of support and made a motion to adopt the resolution, which motion was seconded and acted upon after discussion.

Speaking in support of the issue were: Barbara Hunt, 2475 S. Walnut; and Sam Frank, District 2 resident.

Councilmember Duncan submitted a copy of the Bill to Council and stated he was opposed, it would not do what Acting President Castillo said it would, it was a great concept but it would not be successful, and that the Bill would raise dollars for the State and would not help the city of Fresno. Councilmembers Ronquillo, Boyajian, Acting President Castillo and Councilmember Calhoun spoke in support of the issue, with City Attorney Montoy responding to questions relative to whether the city could implement the Bill and what it would specifically focus on. Ms. Montoy added the Bill would improve State law in a number of ways and in her opinion would be a big tool for city. President Perea commended Acting President Castillo for bringing the issue forward.

On motion of Acting President Castillo, seconded by President Perea, duly carried, RESOLVED, the above entitled Resolution No. 2002-258 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Quintero, Ronquillo, Perea
Noes	:	Duncan
Absent	:	None

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**(5-D) ESTABLISH A COUNCIL COMMITTEE TO DISCUSS REGIONAL WASTEWATER MATTERS WITH THE CLOVIS CITY COUNCIL**

Councilmember Quintero advised he would be leaving at 6:30 p.m. for a prior commitment. President Perea noted a letter was received recently from the City of Clovis asking Fresno to engage in discussions with respect to regional wastewater matters and opened the issue for discussion.

Speaking to the issue were: Jerry Cook, 7433 E. Princeton, Sanger, CA, Chairman, Families Protecting Neighborhoods, who spoke in support stating sewage should be planned on a regional or metropolitan basis and not individual systems and elaborated; and Barbara Hunt, 2575 S. Walnut.

Acting President Castillo stated this would assure Clovis is afforded the opportunity to talk with Fresno as this was a regional issue and made a motion to establish a Council committee, which motion was seconded and later acted upon.

Lengthy discussion ensued. Councilmember Calhoun stated Fresno already worked closely with Clovis and he saw a good working relationship; noted Clovis was facing a Clovis issue right now and he saw no reason for Fresno to get in the middle of it adding it would be inappropriate; and stated he was troubled by the motion and he would support additional information. Councilmember Quintero left the meeting at 6:32 p.m. Councilmember Duncan stated he supported discussions but was not sure this was the right thing to do; stated staff was doing a great job of negotiating with Clovis and he felt a regional plant would be a huge step backwards and the general plan would suffer and explained; and stated he wanted to hear directly from the City of Clovis and recommended a report back from staff. Relative to the issue of Fresno-Clovis sewer capacity exchange deal points, City Attorney Montoy advised a challenge had been received and recommended the item be placed on the agenda to reaffirm or consider the issue and explained. Acting President Castillo stated the position of regionalization of wastewater that he was taking was also supported by the Public Utilities Director, with City Manager Hobbs responding and stating he was not sure that was the case. Additional discussion ensued with Mr. Cook speaking further to the issue, and Councilmember Duncan and PUD Analyst Wiemiller responding to questions of Councilmember Boyajian and President Perea relative to what Councilmember Duncan's concerns were, if his concerns could be included in the motion, if Clovis was proposing a satellite plant, and if Clovis' efforts fit into the Black & Veatch report. Councilmember Duncan stated it was his understanding Fresno supported Clovis' direction and volunteered to serve on the Council committee in the hope that his concerns would be resolved.

On motion of Acting President Castillo, seconded by Councilmember Ronquillo, duly carried, RESOLVED, a Council committee to discuss regional wastewater matters with the Clovis City Council hereby established, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Ronquillo, Perea
Noes	:	None
Absent	:	Quintero

By Council consensus, Councilmember Duncan and Acting President Castillo were designated to serve on the committee. Mr. Cook stated the City of Clovis does not acknowledge the existence of the Black & Veatch report and spoke further to the regional plant they were proposing.

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**(5-A) DISCUSSION AND DIRECTION FROM CITY MANAGER REGARDING COUNTY, STATE AND FEDERAL AGENCY PARTICIPATION IN COST AND PLANNING OF A DOWNTOWN PARK AND RIDE - COUNCILMEMBER RONQUILLO**

Reviewed by Councilmember Ronquillo who stated the intent was to accommodate those being displaced by the street meters, obtain revenues, and take advantage of the parking spaces the City was accumulating and acquiring.

Speaking to the issue were: Gloria Torrez, who spoke in opposition stating the general public needed to be taken care of first, and to the need to eliminate the bus fare increases, reinstate frequencies on Line 38, increase frequencies on key lines, clean air diesel buses, and FAX monies staying with FAX; and Barbara Hunt, 2475 S. Walnut, who spoke to the need for a plan.

A motion and second was made to approve the request as outlined above, and Transportation Manager Madewell responded briefly to questions of Councilmember Boyajian relative to location of lots, if the Transit Manager' input had been obtained, rate afford ability, and if staff would be proactive.

On motion of Councilmember Ronquillo, seconded by Councilmember Boyajian, duly carried, RESOLVED, the city manager directed to assemble interested agencies (County, State and Federal) to participate in the cost and planning of a Downtown Park and Ride, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Ronquillo, Perea
Noes	:	None
Absent	:	Quintero

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**(5-B) REQUEST DIRECTION REGARDING PROVIDING ADDITIONAL SECURITY FOR THE COUNCIL CHAMBERS - COUNCILMEMBER CALHOUN**

Briefly reviewed by Councilmember Calhoun who stated he felt access to the Council dais needed to be prohibited citing a recent incident in Switzerland involving a deranged individual, and stated if there was consensus to move forward necessary funding could be budgeted in the FY 2004 budget. Brief discussion ensued with Assistant City Manager Souza speaking to the issue and responding to questions of Councilmember Boyajian relative to the current work plan and security measures, challenges staff faces with certain issues and balancing openness and security, and need for everyone to follow procedure when approaching the dais. Mr. Souza stated staff would take this as direction and would build options into the FY 04 budget. Councilmember Duncan stated this would be a good thing to look at and there was no further discussion.

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**(5-C) REQUEST CITY MANAGER TO DIRECT STAFF TO INITIATE INQUIRIES TO OTHER FIRMS REGARDING THE RED LIGHT CAMERA OPERATION - ACTING PRESIDENT CASTILLO**

Reviewed by Acting President Castillo who reiterated cameras were installed to save lives and not generate revenues; advised there was interest from other companies to provide this service; noted internet research had shown Nestor recently removed one of their cameras because it was not creating enough revenue due to yellow lights being extended; and made a motion to direct staff as outlined above and with added direction for staff to look at the possibility of extending yellow lights to reduce accidents, which motion was seconded by President Perea.

Councilmember Calhoun stated this was getting to be a broken record and had been debated and debated; reminded Council this was a test period and adequate time needed to be given; and advised the City was in very important negotiations with Fresno County relative to receiving funds to hire additional traffic officers and made a motion to table the matter for 6 months stating this type of interjection would help the negotiations at all.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, Item 5-C tabled six (6) months, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Ronquillo
Noes	:	Castillo, Perea
Absent	:	Quintero

President Perea advised Deputy Chief Frost he would be talking with him about the First and McKinley intersection as he was concerned it did not meet the criteria for placement of a camera.

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Birthday wishes were extended to President Perea on his 50<sup>th</sup> birthday.

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**(5-H) REQUEST STAFF TO RETURN WITH ENABLING DOCUMENTS FOR ROLL-OVER OF UNEXPENDED COUNCIL DISTRICT FUNDS FROM FY 2002 FOR INFRASTRUCTURE, ADA, AND NEIGHBORHOOD PROJECTS - PRESIDENT PEREA**

On motion of President Perea, seconded by Acting President Castillo, duly carried, RESOLVED, staff to return with enabling documents to roll-over unexpended Council district funds from FY 2002 for infrastructure, ADA, and neighborhood projects, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Ronquillo, Perea
Noes	:	None
Absent	:	Quintero

President Perea responded to questions of Gloria Torrez relative to where the carry-over funds were coming from (stating she opposed FAX dollars being used) and where the \$1.5 million in utility savings were, and spoke to the earlier utility rate increase and housing project issues stating the City needed to assist the poor and jobless.

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**UNSCHEDULED ORAL COMMUNICATIONS:**

**APPEARANCE BY BARBARA HUNT RELATIVE TO THE NEED FOR COUNCIL TO STICK TOGETHER DURING HARD TIMES**

Appearance made.

REQUEST CITY ATTORNEY REVIEW AND REPORT BACK ON WHAT ACTIONS CAN BE TAKEN TO  
SANCTION INDIVIDUALS THAT DISCLOSE CONFIDENTIAL CLOSED SESSION INFORMATION -  
COUNCILMEMBER CALHOUN

Councilmember Calhoun stated he was deeply concerned with information “leaking out” of closed session adding it was inappropriate and made him wonder if he could honestly share his feelings. City Attorney Montoy and President Perea stated they also had concerns and Ms. Montoy advised she would be submitting a report and recommendations.

APPEARANCE BY GLORIA TORREZ REGARDING ITEM 5-B, COUNCIL CHAMBER SECURITY

Appearance made with Ms. Torrez stating citizens’ First Amendment and Brown Act rights needed to be addressed.

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**ADJOURNMENT**

There being no further business to bring before the Council, the hour of 7:22 p.m. having arrived and hearing no objections, President Perea declared the meeting adjourned.

**APPROVED** on the 20<sup>th</sup> day of August, 2002.

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Henry Perea, Council President

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ATTEST: Yolanda Salazar, Assistant City Clerk

**140-57**

**7/30/02**